

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00158-MR-WCM

CHRISTOPHER LYNN WILSON;)
TYANNA ARLENE WILSON;)
CHRISTOPHER GEORGE WOODBY)
and JENNIFER GREGORY WOODBY,)

Plaintiffs,)

v.)

ASSOCIATED PETROLEUM)
CARRIERS, INC.; CHRISTOPHER)
LEWIS SCOTT; PETROLEUM)
CARRIERS, INC.; and CD)
ENERGY, LLC,)

Defendants.)

ORDER

This matter is before the Court *sua sponte*.

On June 17, 2021, Plaintiffs Christopher Lynn Wilson, Tyanna Arlene Wilson, and Christopher George Woodby filed their original complaint against Christopher Lewis Scott (“Scott”); Associated Petroleum Carriers, Inc. (“APC”); Petroleum Carriers, Inc. (“PC”); and CD Energy, LLC (“CD Energy”). Doc. 1. Therein, Plaintiffs asserted that subject matter jurisdiction existed pursuant to 28 U.S.C. § 1332.

On September 10, 2021, the original Plaintiffs, now along with Jennifer Gregory Woodby (collectively, “Plaintiffs”), filed an Amended Complaint. Doc. 23. Plaintiffs again asserted that subject matter jurisdiction exists pursuant to

28 U.S.C. § 1332.

In that regard, Plaintiffs allege that they are each citizens of North Carolina, and that Scott, the individual defendant, is a citizen of South Carolina. See Doc. 1 at ¶¶ 1-4; Doc. 23 at ¶¶ 1-5. Plaintiffs additionally allege that APC, PC, and CD Energy are each South Carolina corporations with their principal places of business in South Carolina. See Doc. 1 at ¶¶ 5, 8, & 11; Doc. 23 at ¶¶ 6, 9, & 12.

“For purposes of diversity jurisdiction, the citizenship of a limited liability company ... is determined by the citizenship of all of its members.” Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011). When members are LLCs themselves, the citizenship issues must be traced through until one reaches only individuals and/or corporations. See Jennings v. HCR ManorCare, Inc., 901 F.Supp.2d 649, 651 (D. S.C. 2012) (“an LLC’s members’ citizenship must be traced through however many layers of members there may be”).

Here, Plaintiffs have alleged that CD Energy “is a duly organized South Carolina corporation, having a principal place of business at 215 Muirfield Drive in Spartanburg, South Carolina 29306.” Doc. 1 at ¶ 11; Doc. 23 at ¶ 12. Although Defendants have admitted this allegation in their Answers, see Doc. 17 at 4; Doc. 28 at 4, CD Energy’s name indicates that it is a limited liability

company.¹ If CD Energy is a limited liability company or other unincorporated association, Plaintiffs must allege the citizenship of all CD Energy's members.

"The burden of establishing subject matter jurisdiction is on...the party asserting jurisdiction." Robb Evans & Assoc., LLC v. Holibaugh, 609 F.3d 359, 362 (4th Cir. 2010). Here, the record does not reveal the identity or citizenship of the constituent members of CD Energy.

Accordingly, Plaintiffs are **DIRECTED** to file, on or before November 16, 2021, a notice identifying the citizenship particulars of CD Energy, LLC.

Signed: November 9, 2021



W. Carleton Metcalf
United States Magistrate Judge



¹ Pursuant to S.C. Code Ann. §33-44-105(a), the "name of a limited liability company must contain 'limited liability company' or 'limited company' or the abbreviation 'L.L.C.', 'LLC', 'L.C.', or 'LC'".